

Appln. No. 099/998,093
Response C dated May 6, 2004
Reply to Office Action of February 20, 2004

REMARKS/ARGUMENTS

New Claims 11 and 12 are added. Both claims add the limitation that the structural filler material has a density of about 5 to about 25 pounds per cubic foot. Support for this can be found on page 14, lines 21-23.

35 USC§103 Rejection

Claims 1-10 are rejected under 35 USC§103(a) as being unpatentable over Davies, U.S. 5,806,909 (hereinafter Davies) in view of Newton, U.S. 3,581,681 (hereinafter Newton). Applicants traverse this rejection for the reasons stated hereinafter and respectfully request withdrawal of the rejection.

Davies discloses a reinforcement part for automobile cavities, which comprises high density foam located about a low density foam. The part can be placed in cavities and when exposed to the heat of a paint oven, the high density foam adheres to the inner surface of the cavity in which it is inserted.

Applicants claim structural reinforcement part comprising (1) a molded shell, having a set, shape and size, (2) a structural filler material disposed in and substantially filling the space within the molded shell and (3) a heat activated expandable adhesive in contact with the exterior face of the polymer wall, wherein the structural filler material does not undergo or require any chemical reaction or expansion, after part installation or during automobile assembly.

Davies does not teach a structural reinforcement part which has (1) a molded shell having a set, shape and size and (2) a heat activated expandable adhesive in contact with the exterior face of the shell. The secondary reference, Newton, is cited to provide the basis for modifying the teachings of Davies to replace the low density foam core of the Davies' insert with a molded plastic center containing foam therein. Newton discloses a pallet prepared from a thermoplastic shell in a pallet shape wherein the shell is filled with a foam material. Furthermore, the Davies' reference fails to teach or suggest an insert wherein the central core foam has a density of about 5 to about 25 pounds per cubic foot as required in Claims 11 and 12.

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The combined teachings of the two references fail to teach a part which have on the outside a heat expandable adhesive and a core of a foam having a density of about 5 to 25 pounds per cubic foot.

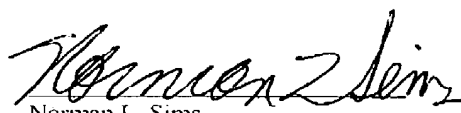
Secondly, it is improper to combine the teachings of Newton with Davies. Newton relates to a pallet made of a molded thermoplastic outer and foam inside the thermoplastic shell. The Newton reference has no relevance whatsoever to inserts which are placed in automobiles to improve the structure of the automobiles. The Official Action provides no adequate motivation to substitute a plastic foam filled part for the foam part described in Davies. The real question is, why would one skilled in the art take the teachings of the Newton reference and use those in the Davies' reference? It is only with reference to Applicants' claimed specification does one skilled in the art come up with the idea of such a replacement. In order to establish a case of *prima facie* obviousness, the Official Action must provide teaching in either of the two references cited or a third reference, which clearly suggests the substitution from one reference into the second reference. No such passage or third reference is cited to justify this.

Further, even if such substitution was proper, the combined teachings fail to teach the expandable adhesive on the outside of the insert prepared and would motivate one skilled in the art away from using a foam of about 5 to 25 pounds cubic foot density. Specifically, Davies clearly teaches that the inner foam should be of a low density to reduce the weight of the part. In particular, see col. 2, lines 27-28, where it is disclosed that the core should have a density of 5 pounds cubic foot or less. Newton discloses that the foam used should have a density of about 2 to about 4 pounds per cubic foot. Thus, the teachings would motivate one skilled in the art away from this substitution.

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For these reasons, Applicants assert that Claims 1-12 are patentable under 35 USC§103, respectfully request entry of amendments, reconsideration of the claims in view of the amendments and arguments and request early allowance of Claims 1-12.

Respectfully submitted,



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